

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of |) | |
| |) | |
| |) | MM Docket No. |
| Amendment of Section 73.202(b), |) | |
| Table of Allotments, |) | RM - |
| FM Broadcast Stations |) | |
| (Milan and Grants, New Mexico) |) | |

To: Chief, Allocations Branch, Mass Media Bureau:

PETITION FOR RULE MAKING

On behalf of our client Don Davis, we hereby request that the Commission institute a rule making proceeding to amend Section 73.202(b) of the Commission's Rules to change the allotment of FM Channel 264A from Grants, New Mexico to Milan, New Mexico.

1. Petitioner is the individual licensee of FM station KQEO, operating on FM Channel 264A, at Grants, New Mexico. Petitioner believes that the public interest would be served by changing the allotment of this channel from Grants, New Mexico to Milan, New Mexico, and by modification of the license of KQEO to reflect the change.

2. Milan, New Mexico is an incorporated village with a population of 1,911 (1990 census). It is located immediately to the west of Grants, New Mexico. Grants has a population of 8,626 (1990 census). Neither Grants nor Milan is part of an

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urbanized area, nor does the signal of KQEO cover any part of any urbanized area. The permit for KQEO was not obtained through a comparative hearing.

3. Milan is currently served by one daytime-only AM station, KCIB, on 1130 kHz. Grants is currently served by the following stations:

- (a) KMIN(AM) 980 kHz full time
- (b) KAIU(FM) Channel 224A
- (c) KQEO(FM) Channel 264A
- (d) KTHR(FM) Channel 279C
- (e) KQLV(FM) Channel 288C (construction permit)

In addition, FM Channel 213C is allotted to Grants. A number of applications are pending for this frequency.

4. Petitioner desires to change the allotment for FM Channel 264A from Grants to Milan to provide a first full-time radio transmission service in Milan. If the Commission changes the allotment, and modifies the license for FM station KQEO to specify Milan, New Mexico as its city of license, this change will enable petitioner to serve the needs of the residents of Milan on a primary basis.

5. Application of the Commission's FM allotment priorities and policies reveals that the proposed change will result in a preferential arrangement of allotments. Milan will be provided with its first full-time local broadcast service and first FM service, while Grants will remain well served by the two full-time FM stations and the one full-time AM station that will remain licensed to that community. This change is analyzed under priority (4) of the Commission's FM allotment priorities (other public interest

matters). While Milan has a daytime only AM service, allotment of Channel 264A to Milan will provide a full-time local service to that community, while neighboring Grants will retain multiple full-time services.

6. The proposed change of allotment may be made without any other change in the table of allotments. Petitioner proposes to continue its operation of KQEO at its current transmitter site. From that location, KQEO provides the entire community of Milan with a field strength in excess of 70 dBu as required by Section 73.315(a) of the Commission's Rules.


7. The change of allotment of FM Channel 264A to Milan, New Mexico from Grants, New Mexico will benefit the people of Milan, New Mexico through the establishment of a first full-time local transmission service and first FM radio broadcast transmission service. At the same time, the residents of Grants, New Mexico will retain full-time radio service from several stations other than KQEO. Therefore, the allotment of FM Channel 264A to Milan, New Mexico would be an efficient utilization of the channel and would be in the public interest.

8. Accordingly, Davis hereby requests that the Commission issue, pursuant to notice and comment, a report and order modifying the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to change FM broadcast station KQEO from Grants, New Mexico, to Milan, New Mexico, in accordance with the following table:

| <u>City</u> | <u>Present</u> | <u>Channel No.</u> <u>Proposed</u> |
|--------------------|---------------------------------|---------------------------------------|
| Milan, New Mexico | None | 264A |
| Grants, New Mexico | 213C, 224A, 264A, 279C, 288C | 213C, 224A, 279C, 288C |

Respectfully submitted,

DON DAVIS

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January 4, 1999

